

REMARKS

Claims 1-22 and 24-32 are pending in the present application. By this Amendment, claims 1, 4, 8, 16-17, 20, 24-25 and 27-32 are amended. Various amendments are made to the claims for clarity, and are unrelated to issues of patentability.

The Office Action rejects claims 17, 18, 25, 26, 30 and 32 under 35 U.S.C. §102(b) over Applicant's Admitted Prior Art (AAPA). The Office Action also rejects claims 1-6, 8-14, 16, 19-22, 24, 27-29 and 31 under 35 U.S.C. §103(a) over AAPA in view of U.S. Patent 5,809,423 to Benveniste (hereafter Benveniste). Still further, the Office Action rejects claims 7 and 15 under 35 U.S.C. §103(a) over AAPA, Benveniste and further in view of U.S. Patent 5,604,730 to Tiedemann, Jr. (hereafter Tiedemann). The rejections are respectfully traversed.

Independent claim 1 recites providing channel availability information for each of a plurality of channels, the channel availability information being provided from a base station to each of a plurality of terminals such that each of the terminals receives the channel availability information of each of the plurality of channels. Independent claim 1 also recites for each of the plurality of terminals simultaneously monitoring each of the plurality of channels in parallel to detect whether the state signal indicating channel availability indicates a channel is idle.

The Office Action appears to assert that these features of independent claim 1 are suggested by AAPA. Applicant respectfully disagrees. More specifically, the Office Action (on pages 12-13) addresses applicant's previous arguments. Applicant respectfully disagrees with these statements.

More specifically, the Office Action appears to assert that the present specification discloses that all of the terminals of the base station are placed in a single group and thus the terminals monitor all channels of the base station. The Office Action cites page 2, lines 12-16 of the present application. However, the specification does not teach these features. The following is the cited section of the present specification:

If the number of channels used in the base station 20 is three, and there are six terminals 1-6 for this base station 20, the base station 20 allocates a channel to each terminal 1-6. For example, channel A is allocated to terminal 1, terminal 2, and terminal 3, channel B is allocated to terminal 4, and channel C is allocated to terminal 5 and terminal 6.

At no point in this section does the present specification state that all of the terminals of the base station are placed into a single group. This section of the specification also does not suggest that the terminals monitor all channels of the base station. Applicant respectfully submits that the Office Action mischaracterizes the present specification.

The Office Action appears to rely on page 2, lines 1-7 and page 1, lines 15-19 of the present specification as stating that there is a possibility of having the same number of channels as terminals and that therefore there are no separate groups and each terminal monitors all channels. Again, applicant respectfully disagrees as there is no suggestion in AAPA (i.e., pages 1-5 of the present specification) for these features.

Applicant respectfully submits that the pending claims clearly recite features that are not suggested by the applied references. More specifically, AAPA does not suggest providing channel availability information for each of a plurality of channels where the channel availability information is provided from a base station to each of a plurality of terminals and such that each

of the terminals receives the channel availability information of each of the plurality of channels.

Figs. 1 and 2 of the present application do not show that channel availability information is provided from a base station to each of a plurality of terminals such that each terminal receives the channel availability information of each of the channels. Additionally, the present specification, and in particular page 2, lines 1-7, does not suggest that for each of the plurality of terminals, simultaneously monitoring each of the plurality of channels in parallel to detect whether the state signal indicating channel availability indicates a channel is idle. Accordingly, AAPA does not teach or suggest all of the features of independent claim 1. Benveniste does not teach or suggest the features of independent claim 1 missing from AAPA. Accordingly, independent claim 1 defines patentable subject matter.

Independent claim 8 also defines patentable subject matter for at least similar reasons. That is, independent claim 8 recites providing channel availability information for each of a plurality of channels, the channel availability information being provided from a base station to each of a plurality of terminals such that each of the terminals receives the channel availability information of each of the plurality of channels. Independent claim 8 further recites that for each of the plurality of terminals, monitoring the channel availability information for each of the plurality of channels. For at least similar reasons as set forth above, AAPA and Benveniste do not teach or suggest the features of independent claim 8. Thus, independent claim 8 defines patentable subject matter.

Independent claim 17 recites providing a unique PN code for each of the plurality of channels used in the CDMA system, the unique PN code being provided from a base station to

each one of a plurality of terminals in communication with the base station such that each of the terminals receives the unique PN code for each of the plurality of channels. Independent claim 17 further recites for each of the plurality of terminals, monitoring each of the plurality of channels to determine whether or not one of the channels is available. For at least similar reasons as set forth above, AAPA and Benveniste do not teach or suggest the features of independent claim 17. Thus, independent claim 17 defines patentable subject matter.

Independent claim 20 recites receiving channel availability information for each of the plurality of channels from a base station such that each of a plurality of terminals receives the channel availability information of each of the plurality of channels. Independent claim 20 further recites that the plurality of terminals are configured to simultaneously monitor channel availability information for each of the plurality of channels of the base station and transmit data on the first available channel detected. For at least similar reasons as set forth above, AAPA and Benveniste do not teach or suggest the features of independent claim 20. Thus, independent claim 20 defines patentable subject matter.

Still further, independent claim 25 recites monitoring, by a mobile terminal, each of the plurality of channels from a base station such that the mobile terminal receives the channel availability information of each of the plurality of channels. For at least similar reasons as set forth above, AAPA and Benveniste do not teach or suggest the features of independent claim 25. Thus, independent claim 25 defines patentable subject matter.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 28 (and similarly dependent claims 29-32) recite that the terminal is not pre-allocated to a specific one of the plurality of channels. The Office Action cites page 2, lines 3-5 of the present specification as showing these features. However, applicant respectfully submits that the cited section of the specification clearly relates to a terminal being pre-allocated to a specific one of the channels. The Office Action states that the terminal is not assigned to a specific channel because it can not know which channels are idle and which are not. However, applicant respectfully submits that this paragraph of the present specification clearly relates to a terminal that is assigned to a specific channel. Thus, AAPA and Benveniste do not teach or suggest all the features of dependent claims 28-32. Dependent claims 28-32 define patentable subject matter for at least this additional reason.

CONCLUSION

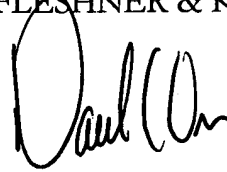
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-22 and 24-32 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, David C. Oren, at the telephone number listed below.

Serial No. 09/745,873
Reply to Office Action of July 12, 2005

Docket No. P-0136

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DCO/knv/kah
Date: November 14, 2005

Please direct all correspondence to Customer Number 34610